

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THE THE 4TH SEPTEMBER , 1986

Present : Justice K.S. Puttaswamy, Vice-Chairman
Sri P. Srinivasan Member

Transferred Application No.685/86(T)

Razak Peer Sahib,
S/o Gudu Peer Sahib,
Resident of Yelahanka
Bangalore-63

Applicant

(Smt. P.G. Gowri ... Advocate)

Government of India,
(Directorate General
Border Security Force)
Ministry of Home Affairs,
New Delhi

The Commandant,
102, Battalion B.S.F.
Yelahanka,
Bangalore-63

Respondents

(Shri M. Vasudeva Rao .. Advocate)

The application has come up for hearing before Court
to-day, Vice-Chairman made the following:

ORDER

Case called.

Smt. B.G. Gowri, learned Counsel for the applicant files a memo praying for permission to retire for the applicant on the ground that she is not been able to contact him at all. We are of the view that the ground onwhich Smt. Gowri had sought for retirement cannot be accepted by us. We, therefore, reject the Memo filed by Smt. Gowri.

In this transferred application from the High Court of Karnataka the applicant has challenged Office Order No. 1090/BSF/ESTT-80 dated 3.5.1980 (Annexure C) passed by the Commandant 102 Battalion B.S.F. Yelahanka, Bangalore (Commandant) - Respondent No.2.


The applicant joined the service in the B.S.F. on 2.9.1969 as a Water Carrier. While in service, the applicant developed serious mental ailment. He was, therefore, subjected to medical examination by a Medical Board (Board) consisting of three qualified doctors of the B.S.F. The Board examined the applicant and certified that he was medically unfit to be continued in service in the B.S.F. Accepting the recommendations of the Board, the Commandant by his order dated 3.5.1980 has compulsorily retired the applicant from service with effect from 17.10.1980. In pursuance of the said order the necessary discharge certificate was issued to the applicant on 16.10.1980 and the terminal benefits due to him were paid.

In challenging the order of the Commandant the applicant had relied on a medical certificate issued by one Shri Ravi S. Pande, a lecturer in Psychiatry of National Institute of Mental Health and Neuro Sciences, Bangalore (Annexure E).

We have carefully examined the certificate issued by Shri Ravi S. Pande. We are of the view that the said certificate even withstanding the correctness of the same, does not dislodge the certificate issued by the Board to the effect that the applicant was not fit to continue in service. We find no reason whatsoever to reject the certificate of the Board.

When once we hold that the certificate issued by the Board is correct and valid, we must necessarily accept the order made by the Commandant retiring the applicant from service. We cannot, therefore, interfere with the order made by the Commandant.

Shri M. Vasudeva Rao, learned Standing Counsel for Central Government appearing for the respondents, submits that the applicant has been paid all terminal benefits to which he is entitled under



Rules on 17.9.1980 and he has received all those amounts. In this view the alternative prayer made by the applicant for a direction to the respondents to make him available the terminal benefits does not survive.

On the foregoing discussion we hold that this application is liable to be dismissed. We, therefore, dismiss the petition. But in the circumstances of the case we direct the parties to bear their own costs.


Vice-Chairman


Member